

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

New York City Opera, Inc.

Debtor.

Chapter 11

Case No. 13-13240 (SHL)

**FIFTH ORDER EXTENDING THE DEBTOR'S EXCLUSIVE PERIODS IN WHICH
TO FILE A CHAPTER 11 PLAN AND SOLICIT VOTES THEREON**

Upon consideration of the motion (the “**Motion**”)¹ of the Debtor, for entry of an order (i) further extending the period during which the Debtor has the exclusive right to file a plan (the “**Exclusive Filing Period**”) for an additional sixty-two (62) days, from October 28, 2014 through and including December 29, 2014 and (ii) further extending the period during which the Debtor has the exclusive right to solicit acceptances of any such plan (the “**Exclusive Solicitation Period**,” and together with the Exclusive Filing Period, the “**Exclusive Periods**”) for an additional sixty (60) days, from December 29, 2014, through and including February 27, 2015, or approximately sixty (60) days after the expiration of the Exclusive Filing Period, as extended, without prejudice to seek further extensions of the Exclusive Periods; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(b) and 1334 and the *Standing Order of Reference* dated February 1, 2012 (Preska, C.J.); and Gene Kaufman having filed an Objection to the Motion (“**Kaufman Objection**”), and the Debtor having filed a reply to the Kaufman Objection; and the Court having determined that the Motion and the relief requested therein is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and venue being proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that notice of the Motion is sufficient under the circumstances; and the Kaufman Objection having been resolved pursuant to this Order; and after due deliberation and sufficient cause appearing therefor;

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Subject to paragraph 4 hereof, the Debtor's Exclusive Filing Period is hereby extended through and including December 29, 2014.
3. Subject to paragraph 4 hereof, the Debtor's Exclusive Solicitation Period is hereby extended through and including February 27, 2015.
4. The Debtor shall file a motion to approve sale procedures and/or a motion for approval of the sale its remaining assets, subject to higher and better offers (the "**Sale Motion**"), by no later than December 18, 2014. The Sale Motion will provide for a public auction before the Court. The sale procedures shall be agreed to by the Committee and Mr. Kaufman, or will be set by further order of the Court.
5. The extension of time granted pursuant to this Order shall be without prejudice to the Debtor's right to request further extensions of the Exclusive Periods or to seek other appropriate relief.
6. The Debtor shall not file a plan without providing the Committee with an advance copy of any such plan which the Committee shall have no less than fourteen (14) days to review and consult with the Debtor concerning such proposed plan.
7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the local rules of this Court are satisfied by such notice.
8. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
9. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: December 3, 2014
New York, New York

/s/ Sean H. Lane
HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE